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C O N F I D E N T I A L SECTION 01 OF 02 PANAMA 002020

SIPDIS

DEPT FOR WHA/CEN AND WHA/FO

E.O. 12958: DECL: 10/06/2015

TAGS: [PREL](#), [SNAR](#), [PGOV](#), [PINR](#), [PM](#), [POL](#), [CHIEF](#)

SUBJECT: PANAMA,S ATTORNEY GENERAL PLEDGES FULL COOPERATION  
ON ALEMAN CASE

Classified By: Ambassador William A. Eaton. Reasons 1.4 (B) and (D)

11. (C) Summary. Panama,s Attorney General pledged to cooperate fully with the USG as the case against former Nicaraguan President Aleman goes before a judge on November 23. There are opportunities for the USG to assist Panamanian prosecutors as they prepare for the November hearing. An arrest warrant could be issued for the defendants in the case, but this decision rests with the judge. While the case in Panama can help keep the pressure on Aleman, there are a number of obstacles in the way of his ever standing trial here. End Summary.

Ambassador and AG Discuss Aleman Case  
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12. (C) On October 6 the Ambassador met with Panamanian Attorney General Ana Matilde Gomez to discuss the money laundering case against former Nicaraguan President Arnaldo Aleman. The meeting took place at our request, and the Ambassador was accompanied by the DHS/ICE case agent and NAS Director (notetaker). Gomez was accompanied by acting Anti Corruption Prosecutor Mercedes De Leon. (Note: De Leon, who is very close to the Attorney General and an excellent Embassy contact, was likely hand picked by the AG for this sensitive position).

13. (C) The Ambassador began by expressing the USG,s appreciation for the cooperation that Panama has provided to date related to the international efforts to bring former President Aleman to justice. The Ambassador also reinforced the message delivered by WHA DAS Dan Fisk during his late-September visit regarding the importance of the Panamanian case against Aleman. The Ambassador also brought the Attorney General up to date on USG diplomatic efforts to isolate Aleman, in particular during the Deputy Secretary,s visit to Managua this week.

14. (C) The Attorney General assured the Ambassador that she shared the USG,s interest in seeing Aleman brought to justice. She provided the Ambassador with a copy of the Panamanian charges against Aleman, and invited USG experts to examine the evidence that the GOP possessed. Her only request was that the USG not disclose that this information had been shared with us and that we return the file to her office after it has been reviewed by our experts. The Attorney General said that Prosecutor De Leon would be willing to provide clarification on any of the issues in the Panamanian case.

AG Confident, but Welcomes USG Help  
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15. (C) The Attorney General and De Leon expressed confidence in Panama,s case against Aleman, but welcomed USG assistance in preparing for the November 23 initial hearing. Since taking over from Anti Corruption Prosecutor Cecilia Lopez, who has been handling the case but is now on two months vacation, De Leon has already responded to motions from the defense asking that the case be dismissed. In the latest motion, Aleman,s defense attorney claimed that the former President enjoyed immunity from prosecution because of his membership in Parlacen. The Panamanians successfully defeated that motion, arguing that since the immunity did not apply in Nicaragua it would not hold in Panama either.

16. (C) The Attorney General emphasized the importance of a strong presentation to the judge in the initial hearing, and requested assistance from the USG in procuring audiovisual equipment to help with the presentation. (Note: NAS will follow up with De Leon,s office to respond to this request.) The Attorney General and De Leon said that they were pleased with the judge who had been chosen to hear this case, noting that while she lacked experience with complicated financial cases her reputation was solid. With this in mind, the Attorney General suggested that the USG arrange some training for the judge who would be hearing the case (under the umbrella of a broader training initiative).

17. (C) De Leon said that she anticipated three lines of defense for Aleman. First, his attorneys would continue to argue that he benefited from immunity. Second, they would

argue that since money laundering had not been a crime in Panama when the funds were deposited, he should be absolved. Finally, the attorney would seek to portray the charges against Aleman in Nicaragua as politically motivated. De Leon felt confident in her ability to counter each of these defenses. She said that Panama,s financial investigation had been well done, and that there was a very strong case against Aleman for laundering money in Panama.

#### Possible Pressure On the Accused?

18. (C) The Ambassador asked if it would be possible for Panama to issue an arrest warrant for Aleman and his co-accused. The Attorney General instructed De Leon to present such a request to the judge, noting that it was unlikely that the accused would voluntarily present themselves in Panama for trial or to respond to questions. The Attorney General was clear that to succeed, such a request could not be seen as politically motivated. With this in mind, the Attorney General noted that she was not in contact with Panama,s executive branch regarding this case.

19. (C) The Attorney General said that her staff were in contact with Nicaraguan counterparts, however, and that she expected a visit from the Nicaraguan prosecutor prior to the November 23 hearing. She also suggested that Panama would request judicial assistance from Nicaragua, for example, help in allowing Panamanian prosecutors to question Aleman and his co-accused.

#### Wheels of Justice Will Move Slowly

10. (C) The Ambassador asked the Attorney General what would likely happen after the November hearing. She was honest in answering that given the backlog in Panama,s courts, it was likely that a trial would not be scheduled until at least August 2006. There were also numerous opportunities for the defense to seek further delays. This compounded with the difficulty of compelling the presence of the accused meant that any trial was at best a distant prospect.

#### Way Ahead

11. (C) We will review the Panamanian case file in coordination with officials from DOJ, DHS/ICE, and State. We will also coordinate with Anti Corruption Prosecutor De Leon in advance of the November 23 hearing. It may be useful for Embassy Managua RLA and other officials to visit Panama, perhaps in conjunction with the planned visit by the Nicaraguan prosecutor. We will also follow-up on the Panamanian attempts to secure an arrest warrant in the case. Finally, we will explore the possibility of the money laundering training for the judge in the case, as suggested by the Attorney General.

#### Comment

12. (C) From our vantage point, Panama,s Attorney General and Anti-Corruption Prosecutors are well disposed to continue cooperation with USG and Nicaraguan counterparts on the Aleman case. This could be useful in keeping the pressure on Aleman and his cronies. If a U.S. case against Aleman were to move forward, we suspect that Panama would also render full assistance in sharing the information it has developed. At the same time, we doubt that Aleman and his co-accused will ever stand trial in Panama given the difficulty in compelling their return here to face justice. That said, we should look for ways to support Panama,s attorney general as she moves forward with her case against Aleman.

EATON